

**U.S. District Court
Western District of Tennessee (Memphis)
CIVIL DOCKET FOR CASE #: 2:20-cv-02489-MSN-cgc**

Poland v. Springs Window Fashions, LLC
Assigned to: Judge Mark S. Norris
Referred to: Magistrate Judge Charmiane G. Claxton
Cause: 29:201 Fair Labor Standards Act

Date Filed: 07/08/2020
Date Terminated: 02/18/2021
Jury Demand: Both
Nature of Suit: 710 Labor: Fair Standards
Jurisdiction: Federal Question

Plaintiff

Michele Poland
*Individually, and on behalf herself and others
similarly situated*

represented by **Benjamin Alan Matthews**
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V.

Defendant

Springs Window Fashions, LLC
a Delaware Limited Liability Company

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Email Attorneys, Primary and Secondary Addresses

Date Filed	#	Docket Text
07/08/2020	<u>1</u>	COMPLAINT against Springs Window Fashions, LLC (Filing fee \$ 400 receipt number ATNWDC-3383745), filed by Michele Poland. (Attachments: # <u>1</u> Exhibit A- Michele Poland Consent to Join, # <u>2</u> Civil Cover Sheet, # <u>3</u> Summons to be Issued)(Jackson, Gordon) (Entered: 07/08/2020)
07/08/2020	<u>2</u>	NOTICE of Appearance by Joseph Russ Bryant on behalf of All Plaintiffs (Bryant, Joseph) (Entered: 07/08/2020)
07/08/2020	<u>3</u>	NOTICE of Appearance by Robert Emmett Turner, IV on behalf of All Plaintiffs (Turner, Robert) (Entered: 07/08/2020)
07/08/2020	<u>4</u>	Judge Mark S. Norris and Magistrate Judge Charmiane G. Claxton added. (agj) (Entered: 07/09/2020)
07/08/2020	<u>5</u>	NOTICE OF CASE TRACKING ASSIGNMENT PURSUANT TO LOCAL RULE 16.2: Pursuant to Local Rule 16.2, this case has been assigned to the Standard track.

		http://www.tnwd.uscourts.gov/pdf/content/LocalRules.pdf (agj) (Entered: 07/09/2020)
07/08/2020	<u>6</u>	NOTICE OF RIGHT TO CONSENT TO THE EXERCISE OF CIVIL JURISDICTION BY A MAGISTRATE JUDGE Pursuant to 28 U.S.C. 636(c), Fed.R.Civ.P.73, and Local Rule 72.1, this Court has designated the Magistrate Judges of this District to conduct trials and otherwise dispose of any civil case that is filed in this Court. Your decision to consent, or not consent, to the referral of your case to a United States Magistrate Judge for trial and entry of a final judgment must be entirely voluntary. The judge or magistrate judge to whom the case has been assigned will not be informed of your decision unless all parties agree that the case may be referred to a magistrate judge for these specific purposes. A less than unanimous decision will not be communicated by this office to either the judge or magistrate judge. The consent form is available on the courts website at https://www.tnwd.uscourts.gov/forms-and-applications.php (agj) (Entered: 07/09/2020)
07/08/2020	<u>7</u>	NOTICE TO COMPLY WITH PLAN FOR ALTERNATE DISPUTE RESOLUTION (ADR): Pursuant to Section to 2.1 of the ADR Plan, all civil cases filed on or after Sept. 1, 2014, shall be referred automatically for ADR. For compliance requirements, refer to the ADR Plan at: http://www.tnwd.uscourts.gov/pdf/content/ADRPlan.pdf (agj) (Entered: 07/09/2020)
07/09/2020	<u>8</u>	NOTICE of Appearance by Robert E. Morelli, III on behalf of All Plaintiffs (Morelli, Robert) (Entered: 07/09/2020)
07/10/2020	<u>9</u>	NOTICE of Appearance by Benjamin Alan Matthews on behalf of Michele Poland (Matthews, Benjamin) (Entered: 07/10/2020)
08/13/2020	<u>10</u>	NOTICE by Michele Poland <i>Consents to Join Edward Fulop and Sonya Alzayaady</i> (Morelli, Robert) (Entered: 08/13/2020)
08/14/2020	<u>11</u>	NOTICE by Michele Poland <i>Consent to Join Lisa Allison-Maicke</i> (Morelli, Robert) (Entered: 08/14/2020)
08/17/2020	<u>12</u>	NOTICE by Michele Poland <i>Consents to Join Marissa Wheeler and John Hoffman</i> (Morelli, Robert) (Entered: 08/17/2020)
08/18/2020	<u>13</u>	NOTICE by Michele Poland <i>Consents to Join Richard LaBracio, Daniel Merrick, Linda Jackson, Nicholas Mastin and Diana Rainsberry</i> (Morelli, Robert) (Entered: 08/18/2020)
08/19/2020	<u>14</u>	NOTICE by Michele Poland <i>Consents to Join Kevin Delsandro and Kristen Gettel-Barrett</i> (Morelli, Robert) (Entered: 08/19/2020)
08/21/2020	<u>15</u>	NOTICE by Michele Poland <i>Consent to Join Jacuelyn Butler</i> (Morelli, Robert) (Entered: 08/21/2020)
08/24/2020	<u>16</u>	NOTICE by Michele Poland <i>Consents to Join Jean Reckert, Anthony Dworak and Jim Nader</i> (Morelli, Robert) (Entered: 08/24/2020)
08/26/2020	<u>17</u>	NOTICE by Michele Poland <i>Consent to Join Valerie Askew</i> (Morelli, Robert) (Entered: 08/26/2020)
08/27/2020	<u>18</u>	Summons Issued as to Springs Window Fashions, LLC. The filer has been notified electronically that the summons has been issued, and the new docket entry reflects this. Upon notification of the new docket entry, the filer is to print the issued summons in order to effect service. (btg) (Entered: 08/27/2020)
08/27/2020	<u>19</u>	NOTICE by Michele Poland <i>Consent to Join Susan Miller</i> (Morelli, Robert) (Entered: 08/27/2020)
08/31/2020	<u>20</u>	SUMMONS Returned Executed by Michele Poland as to Springs Window Fashions, LLC. (Turner, Robert) (Entered: 08/31/2020)

08/31/2020	<u>21</u>	NOTICE by Michele Poland <i>Consents to Join Janel Grant and Kristy Mitchell</i> (Morelli, Robert) (Entered: 08/31/2020)
09/01/2020	<u>22</u>	NOTICE by Michele Poland <i>Consent to Join Janice Killian</i> (Morelli, Robert) (Entered: 09/01/2020)
09/03/2020	<u>23</u>	NOTICE by Michele Poland <i>Consent to Join Leonard Stovall</i> (Morelli, Robert) (Entered: 09/03/2020)
09/10/2020	<u>24</u>	NOTICE by Michele Poland <i>Consent to Join Nancy Gouveia–Fentross</i> (Morelli, Robert) (Entered: 09/10/2020)
09/11/2020	<u>25</u>	NOTICE by Michele Poland <i>Consent to Join Dianna Clapp</i> (Morelli, Robert) (Entered: 09/11/2020)
09/14/2020	<u>26</u>	AMENDED COMPLAINT against All Defendants All Defendants., filed by All Plaintiffs.(Jackson, Gordon) (Entered: 09/14/2020)
09/14/2020	<u>27</u>	NOTICE by Michele Poland <i>Consent to Join Ryan Bartlett and Stanley Sinnott</i> (Morelli, Robert) (Entered: 09/14/2020)
09/29/2020	<u>28</u>	ANSWER to <u>26</u> Amended Complaint by All Defendants.(Leyes, Courtney) (Entered: 09/29/2020)
09/29/2020	<u>29</u>	Corporate Disclosure Statement by Springs Window Fashions, LLC identifying Corporate Parent Springs Window Fashions, LLC for Springs Window Fashions, LLC.. (Leyes, Courtney) (Entered: 09/29/2020)
09/29/2020	<u>30</u>	SETTING LETTER: Scheduling Conference set for Friday, 12/18/2020 at 09:30 AM in Courtroom 4 – Memphis before Judge Mark S. Norris. (zsf) (Entered: 09/29/2020)
10/09/2020	<u>I</u>	Pro Hac Vice Filing fee \$ 150 paid, receipt number ATNWDC–3457719. (Jaremus, Christina) (Entered: 10/09/2020)
10/09/2020	<u>31</u>	MOTION for Leave to Appear Pro Hac Vice (<i>Proposed Order Submitted</i>) (Fee paid as part of previous filing) by Springs Window Fashions, LLC. (Jaremus, Christina) (Entered: 10/09/2020)
10/14/2020	<u>32</u>	ORDER GRANTING <u>31</u> MOTION FOR LEAVE TO APPEAR PRO HAC VICE. Signed by Judge Mark S. Norris on 10/14/2020. (Norris, Mark) (Entered: 10/14/2020)
10/16/2020	<u>33</u>	NOTICE by Michele Poland <i>Consent to Join Cynthia McClintock</i> (Morelli, Robert) (Entered: 10/16/2020)
10/30/2020	<u>34</u>	MOTION for Leave to Appear Pro Hac Vice <i>Noah Finkel</i> (Filing fee \$ 150 receipt number ATNWDC–3473042) by Springs Window Fashions, LLC. (Finkel, Noah) (Entered: 10/30/2020)
11/10/2020	<u>35</u>	MOTION to Dismiss for Lack of Jurisdiction (<i>Motion to dismiss Cynthia McClintock from this action for lack of personal jurisdiction</i>) by Springs Window Fashions, LLC. (Jaremus, Christina) (Entered: 11/10/2020)
12/08/2020	<u>36</u>	RESPONSE in Opposition re <u>35</u> MOTION to Dismiss for Lack of Jurisdiction (<i>Motion to dismiss Cynthia McClintock from this action for lack of personal jurisdiction</i>) filed by Michele Poland. (Morelli, Robert) (Entered: 12/08/2020)
12/10/2020	<u>37</u>	REPORT of Rule 26(f) Planning Meeting . (Morelli, Robert) (Entered: 12/10/2020)
12/14/2020	<u>38</u>	NOTICE by Michele Poland <i>Consent to Join Patricia Greene</i> (Morelli, Robert) (Entered: 12/14/2020)
12/15/2020	<u>39</u>	

SETTING LETTER: Scheduling Conference set for Friday, 12/18/2020 at 09:30 AM in before Judge Mark S. Norris.

The proceeding will be done via Skype for Business video conference. The Court will email the parties an invitation for the video conference prior to the proceeding.

Counsel should submit any exhibits to be offered to the Judge's ECF mailbox prior to the proceeding.

The public may also access the video proceeding. If the public and/or media wish to attend in the video proceeding, please click on the following link to request access information: <https://www.tnwd.uscourts.gov/videohearings> The access information will be delivered via email to the email address from which the request originated.

Parties shall consult the [Skype for Business webpage](#) for instructions on downloading the proper extensions for their computer.

(zsf) (Entered: 12/15/2020)

12/18/2020	40	MINUTES: Scheduling Conference held by Skype Video on 12/18/2020 before Judge Mark S. Norris. Atty Robert E. Morelli, III appeared for the plaintiff; Attys Christina Jaremus & Courtney Leyes appeared for the defendant. Motion for leave to appear pro hac vice as to Noah Finkel <u>34</u> – granted. Order to enter. Proposed scheduling order adopted. The following deadlines/schedules were established: initial disclosures ddl 01/07/2021; join parties/amend pleadings ddl 02/18/2021; motions to dismiss ddl 03/18/2021; motion for conditional certification ddl 04/23/2021. Scheduling Order to enter. (Court Reporter: Lisa Mayo) (zsf) (Entered: 12/18/2020)
12/18/2020	41	SCHEDULING ORDER. Signed by Judge Mark S. Norris on 12/18/2020. (Norris, Mark) (Entered: 12/18/2020)
12/18/2020	42	ORDER GRANTING <u>34</u> MOTION FOR LEAVE TO APPEAR PRO HAC VICE. Signed by Judge Mark S. Norris on 12/18/2020. (Norris, Mark) (Entered: 12/18/2020)
12/21/2020	43	REPLY to Response to Motion re <u>36</u> Response in Opposition to Motion <i>to Dismiss for Lack of Personal Jurisdiction</i> filed by Springs Window Fashions, LLC. (Jaremus, Christina) (Entered: 12/21/2020)
12/28/2020	44	NOTICE by Michele Poland <i>Consent to Join Steven Albertson</i> (Morelli, Robert) (Entered: 12/28/2020)
01/08/2021	45	MOTION to Certify Class (<i>FLSA Conditional Certification</i>) and for Court Supervised Notice to the Putative Class by All Plaintiffs. (Attachments: # <u>1</u> Memorandum, # <u>2</u> Exhibit A – Named Plaintiff Poland Declaration, # <u>3</u> Exhibit B – Opt-in Plaintiff Declarations, # <u>4</u> Exhibit C – Proposed Notice, # <u>5</u> Exhibit D – Proposed Consent, # <u>6</u> Appendix 1 – Thaxton, et. al. v. Bojangles Restaurants, Inc. et al., # <u>7</u> Appendix 2 – Hayes et. al. v. Butts Foods, Inc., et al.)(Morelli, Robert) (Entered: 01/08/2021)
01/22/2021	46	STIPULATION to Transfer Venue (<i>Joint Stipulation</i>) by Springs Window Fashions, LLC. (Jaremus, Christina) (Entered: 01/22/2021)
02/08/2021	47	SETTING LETTER: Telephonic Status Conference set for Thursday, 02/11/2021 at 11:00 AM before Judge Mark S. Norris. (zsf) (Entered: 02/08/2021)
02/11/2021	48	MINUTES: Telephonic Status Conference held on 02/11/2021 before Judge Mark S. Norris. Atty Robert E. Morelli, III appeared for the plaintiff; Atty Noah Finkel appeared for the defendant; parties indicated they are in agreement regarding stipulation <u>16</u> to transfer venue to the Western District of Wisconsin. Parties also indicated they will work out a mutually agreeable notice. All

pending motions will be rendered moot. Order to enter. (Court Reporter: Lisa Mayo) (zsf) (Entered: 02/11/2021)

02/18/2021	<u>49</u>	ORDER OF TRANSFER. Signed by Judge Mark S. Norris on 02/18/2021. (Norris, Mark) (Entered: 02/18/2021)
02/18/2021	I	Case transferred to District of Western District of Wisconsin. Original file, certified copy of transfer order, and docket sheet sent. (btg) (Entered: 02/18/2021)